

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

THOMAS E. PEREZ, Secretary of Labor,)
Mine Safety and Health Administration (MSHA),)
on behalf of Fred McKinsey,)

Plaintiff,)

v.)

PRETTY GOOD SAND COMPANY, INC.,)

Defendant.)

JUDGMENT

No. 4:15-CV-106-FL

Decision by Court.

This action came before the Honorable Louise W. Flanagan, United States District Judge.

IT IS ORDERED, ADJUDGED AND DECREED in accordance with the court's order entered January 14, 2016, for the reasons set forth more specifically therein, defendant is ordered to immediately comply with the decision that was issued on November 14, 2014 by Administrative Law Judge John Kent Lewis and defendant shall expunge Mr. McKinsey's record of any negative reference to the discrimination proceedings. Defendant is ordered to: (1) pay Mr. McKinsey \$12,647.25 in back pay plus interest accrued from November 14, 2014, of \$1,677.41 as of December 2, 2015, with interest accruing daily after that date in the amount of \$4.58 per day to the day of judgment, and thereafter, at the judgment rate; (2) expunge Mr. McKinsey's employment record of any negative reference to the discrimination proceedings and provide a neutral reference; and, (3) pay a civil penalty in the amount of \$5,000, for its violation of Section 105(c) of the Act. Plaintiff shall bear the costs of the action.

This Judgment Filed and Entered on January 14, 2016, and Copies To:

Roberto F. Ramirez (via CM/ECF Notice of Electronic Filing)
Roger Sauerborn, President (via U.S. Mail) Pretty Good Sand Company, Inc.,
6563 NC 97 W, Battleboro, NC 27809

January 14, 2016

JULIE RICHARDS JOHNSTON, CLERK

/s/ Susan W. Tripp
(By) Susan W. Tripp, Deputy Clerk